IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SEVENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 14387 of 2003

Between:

1 K. Venkateswara Rao S/o Satyanarayana
Agricultural Cooperative Society Ltd., Nidumukkala Tadikonda Mandal, Guntur District
2 B. mallikarjuna Rao s/o Venkata Rao
Nimmagaddavaripalem Primary Agricultural Cooperative Society Litd., perecherla,
Mandal, Guntur District
3 Vudthu sankara Rao s/o Venkata Chalamaiah
Agricultural Cooperative society Ltd., perecherla, Medikonduru Mandal, Guntur district
4 S. Subba Rao S/o Sambaiah
Primary AGricultural Cooperative society Kondepadu Prathipadu Mandal, Guntur Distirct
5 P. balaramaiah s/o Sambaiah
Injanampadu Primary Agricultral Cooperative society Ltd., Injanampadu vatticherukuru Mandal, Guntur District
6 A. Sudhakar Rao S/o Kutumbaiah
Secretary Emani Primary Agricultural Cooperative Society Ltd., Kurnuthala, Vatticherukuru Mandal, Guntur Distirct
7 P. Sivamohan Rao s/o Balakotaiah
Secretary Emani Primary Agricultural Cooperative Society Ltd., Emani, Duggirala Mandal Mandal, Guntur Distirct
8 Manukonda Laxminarayana s/o Anjaneyulu
Secretary, Ameensahebpalem Primary Agricultural Coop. Society ltd., Chilakaluripet Branch, Guntur Distirct
9 Bhavanam Sambasiva Reddy S/o Linga Reddy
Secretary, Lingapuram Primary Agricultural Coop. Society ltd., Amaravathi Mandal Guntur Distirct
10 Kankanala Muthaiah s/o Pitchaiah
Secretary, Didugu Primary Agricultural Coop. Society ltd., Amaravathi Mandal Guntur Distirct
11 odile Koteswara Rao s/o Gopaiah

Secretary, Narukullapadu Primary Agricultural Coop. Society ltd.,
Amaravathi Mandal Guntur Distirct

12 Jagarlamudi Vasu s/o Suryanarayana
Secretary, Endroye Primary Agricultural Coop. Society ltd.,
Amaravathi Mandal Guntur Distirct

13 Borra David Raju s/o Mose

14 T.V.G.V. Appa Rao S/o Ankama Rao
Secretary, Banadupalli Primary Agricultural Coop. Society ltd.,
Tadikonda Mandal Guntur Distirct

..... PETITIONERS

AND

1 The Government of Andhra Pradesh, Cooperation Department rep by its Secretary, Secretariat, Hyderbad

2 The Commissioner for Cooperation and Registrar of Coop Societies, Nampalli, Hyderabad

3 The Guntur District Coop. Central Bank Ltd., rep by its General Manager Guntur, Guntur District

4 The District Coop. Officer, Guntur, Guntur District

5 The Divisional Coop Officer, Guntur Distirct, Guntur.

6 The Divisional Coop. Officer, Tenali, Guntur District

7 The Divisional Coop. Officer, Narasaraopet Guntur District

8 Nidumukkala Primary Agricultural Co- operative Society Ltd., Nidumukkala, Tadikonda Mandal, Guntur District
rep by Chairperson/Person in Charge

9 Nimmagaddavaripalem Primary Agricultural Cooperative Society Ltd., Nimmagaddavaripalem, Prathipadu Mandal, Guntur District
repby Chairperson/Person-in Charge

10 Perecherla Primary Agricultural Cooperative Society Ltd.,
Percherla Medikonduru Mandal, Guntur District,
rep by Chairperson/ Person-in-Charge

11 Kondepadu Primary Agricultural Cooperative Society Ltd., Kondepadu Prathipadu Mandal Guntur district
rep by its Chairperson/Person-in-charge

12 Injanampadu Primary Agricultural Cooperative Society Ltd.,
Injanampadu Vatticherukuru Mandal, Guntur District
rep by Chairperson/ person-in-Charge

13 Kurnuthala Primary Agricultural Cooperative Society Ltd., Kurnuthala Vatticherukuru Mandal Guntur District
repby Chairperson/Person-in Charge

14 Emani Primary Agricultural Coop society Ltd., Emani
Duggirala Mandal Guntur district
rep by its Chairperson/ Person-in-charge

15 Ameenasahebpalem Primary Agricultural Coop. Society Ltd., Chilakaluripet Branch Guntur district
rep by its Chairperson/Person-in-charge

16 Lingapuram Primary Agricultural Coop Society Ltd.,
Amaravathi Mandal Guntur district
rep by its Chairperson/Person-in-charge

17 Didugu Primary Agricultural Coop Society Ktd.,

Amaravathi Mandal Guntur district
rep by its Chairperson/Person-in-charge

18 Narukullapadu Primary Agricultural Coop Society Ltd.,
Amaravathi Mandal Guntur district
rep by its Chairperson/Person-in-charge

19 Endroye Primary Agricultural Coop. society Ltd.,
Amaravathi Mandal Guntur District
rep by its Chairperson/Person-in-Charge

20 Lachanagudipudi Primary Agricultural coop Society Ltd.,
Tadikonda Mandal Guntur District
rep by its Chairperson/Person-in-Charge

21 Banadupalli Primary Agricultural Coop society Ltd.,
Tadikonda Mandal Guntur District
rep by its Chairperson/Person-in-Charge

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue a Writ or order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents in not paying the salaries to the petitioners is illegal, arbitrary and violative of Article 14 and 21 of the Constitution of India and consequently direct the respondents to pay salaries to the petitioners without reference to Sec. 116-C of the Act

Counsel for the Petitioners :MR.A.SATYA PRASAD

Counsel for the Respondent Nos1, 2 and 4 to 7: G.P. for Co-operation.

Counsel for the Respondent Nos. 9,11,13, 16 to 20: Mr. M.V.S. Suresh Kumar, Advocate.

Counsel for the respondent Nos. 8,10,12, 15 & 21: --None appeared—

Counsel for the Respondent No.3: Mr. VENKATESHWARLU POSANI (not present)

Counsel for the Respondent No.3: Mr. Korapati Subba Rao (not present).

The Court made the following :

ORAL ORDER:

The petitioners claim to be working as Secretaries in various Primary Agricultural Co-operative Societies (for short PACS) arrayed as respondent Nos. 8 to 21 herein. Pursuant to the abolition of common cadre and de-caderisation of the Paid Secretaries Cadre, apropos Section 116-AA of the A.P. Co-operative Societies Act, 1964 (for short 'the Act'), the petitioners, who were Paid Secretaries, recruited under the half-a-million jobs scheme, have also been allotted to various PACS. They complain that in view of the provisions of Section 116-C of the Act, the respondents No. 8 to 21-PACS are not paying them salaries since long and that these respondents be directed to continue to pay them salaries as last drawn by them. The petitioners admit that none of the respondents No. 8 to 21-PACS in which they are working, are able to meet the statutory requirement of "2% of the working capital or 30% of the gross capital in an year, whichever is less" stipulated for entitlement to pay salaries to employees. It is not established before this court that the State Government or the Registrar of the Co-operative Societies or any of the respondent Nos. 1 to 7 are obligated either to pay or to ensure payment of salaries to the petitioners. The liability to pay salaries to the petitioners is exclusively that of the respondents No. 8 to 21-PACS. It is not also established that the respondents No. 8 to 21-PACS are State within the meaning of Article 12 of the Constitution of India.

In the circumstances, there being no legal substratum to the reliefs claimed in the writ petition, the writ petition itself is not maintainable against the respondent Nos. 8 to 21--PACS, no relief could be granted. The writ petition is misconceived and is accordingly dismissed. The writ petitioners are, however, entitled to pursue the available alternative remedies in accordance with law. No costs.

Dt.27-07-2004 _____

GODA RAGHURAM, J

Pvks/*

To

1 The Secretary, Government of Andhra Pradesh Cooperation Department Secretariat, Hyderbad
2 The Commissioner for Cooperation and Registrar of Coop Societies, Nampalli, Hyderabad
3 The General Manager, Guntur District Coop. Central Bank Ltd., Guntur Guntur District
4 The District Coop. Officer, Guntur Guntur District
5 The Divisional Coop Officer, Guntur Distirct
6 The Divisional Coop. Officer, Tenali, Guntur District
7 The Divisional Coop. Officer, Narasaraopet Guntur District
8 The Chairperson/Person in Charge, Nidumukkala Primary Agricultural Co-operative Society Ltd., Nidumukkala, Tadikonda mandal, Guntur District
9 The Chairperson/Person-in Charge, Nimmagaddavaripalem Primary Agricultural Cooperative Society Ltd., Nimmagaddavaripalem, Prathipadu Mandal, Guntur District

10 The Chairperson/Person-in Charge Perecherla Primary Agricultural Cooperative Society Ltd., Percherla Medikonduru Mandal, Guntur District,

11 The Chairperson/Person-in Charge, Kondepadu Primary Agricultural Cooperative Society Ltd., Kondepadu Prathipadu Mandal Guntur district

12 The Chairperson/Person-in Charge, Injanampadu Primary Agricultural Cooperative Society Ltd., Injanampadu Vatticherukuru Mandal, Guntur District

13 The Chairperson/Person-in Charge, Kurnuthala Primary Agricultural Cooperative Society Ltd., Kurnuthala Vatticherukuru Mandal Guntur District

14 The Chairperson/Person-in Charge, Emani Primary Agricultural Coop society Ltd., Emani Duggirala Mandal Guntur district

15 The Chairperson/Person-in Charge, Ameenasahebpalem Primary Agricultural Coop. Society Ltd., Chilakaluripet Branch Guntur district

16 The Chairperson/Person-in Charge, Lingapuram Primary Agricultural Coop Society Ltd., Amaravathi Mandal Guntur district

17 The Chairperson/Person-in Charge, Didugu Primary Agricultural Coop Society Ktd., Amaravathi Mandal Guntur district

18 The Chairperson/Person-in Charge, Narukullapadu Primary Agricultural Coop Society Ltd., Amaravathi Mandal Guntur district

19 The Chairperson/Person-in Charge, Endroye Primary Agricultural Coop. society Ltd.,
Amaravathi Mandal Guntur District

20 The Chairperson/Person-in Charge, Lachanagudipudi Primary Agricultural coop Society Ltd.,
Tadikonda Mandal Guntur District

21 The Chairperson/Person-in Charge, Banadupalli Primary Agricultural Coop society Ltd.,
Tadikonda Mandal Guntur District

22. 2CCs to learned Government Pleader for Co-operation, High Court Buildings, Hyderabad (OUT)

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